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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,941	03/03/2004	Rakesh Agrawal	ARC920010030US2	4117

7590 03/28/2007	EXAMINER
John L. Rogitz	NGUYEN, CAM LINH T
ROGITZ & ASSOCIATES	

Suite 3120	ART UNIT	PAPER NUMBER
750 B Street	2161	
San Diego, CA 92101		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

· A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 March 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _12-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _12-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _3/3/04_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This Office Action is response to communication filed on 3/3/2004.

2.   Claims 12 – 35 are currently pending for further processing.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 3/3/2004 is in compliance with the provisions of 37 CFR 1.97, 1.98, and MPEP §600. Accordingly, the information disclosure statement has been placed in the application file and is being considered by the examiner.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting

ground provided the conflicting application or patent either is shown to be commonly owned

with this application, or claims an invention made as a result of activities undertaken within the

scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR

3.73(b).

5.   Claims 12 – 35 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1 - 14 of U.S. Patent No. 6,763,350. Although the

conflicting claims are not identical, they are not patentably distinct from each other because it

would have been prima facie obvious to one with ordinary skill in the art at the time the

invention was made to include a computer program device and method into a computer system

as claimed in the patent because the computer system in the patent '350 claimed similar method

as in application '941.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 12 – 15, 24 - 27 are rejected under 35 U.S.C. 102(b) as being anticipated by

French et al (U.S. 5,794,229).

♦ As per claims 12, 24 - 25

French discloses a computer program device comprising:

- " A computer program storage device" corresponds to the storage that stored table 250

  (Fig. 2, 250, col. 6 lines 56 – 63).

- " A program ... instruction" See col. 5, lines 53.

- " Computer readable code means for transforming a horizontal-based SQL query into a

  transformed query having a format for execution against at least one vertical table" See

  abstract and Fig. 2. In particular, French teaches that the database table in French

  includes vertical table (see abstract). The query is provided to select a particular record

  (horizontal, col. 6, lines 58 - 60). The search result therefore, called VIEW. According to

  Fig. 2, the query is transformed by the engine (parser, normalizes, optimizer...).

  Therefore, this query is transformed into a transformed query having a format for

  execution against at least one vertical table.

♦ As per claim 13, 25

- " Defining a logical horizontal view over the vertical table" See fig. 3B, table 300.

- Executing the transformed query" See Fig. 2.

♦ As per claims 14, 26,

- " Wherein the means for transforming includes at least relational one operator" See col. 7

  lines 41 – 47.

♦ As per claims 15, 27,

- " Wherein the operator receives at least one vertical table ... names" See fig. 3B.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 16 – 23, 28 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al (U.S. 5,794,229) in view of Graefe et al (U.S. 6,298,342)

♦ As per claims 16, 28,

French does not clearly disclose the operator is a v2h operator. However, referring to Fig. 3B, both tables (logical and vertical) are stored in the storage, and the vertical tables are created in the core level only (col. 15 lines 1 – 5). The vertical tables must be able to convert to horizontal tables in order for the query access. It is clear that the claimed provision is inherent.

An example to support for this teaching is provided by Graefe. Graefe discloses a method for pivot and unpivot a table from vertical to horizontal (Fig. 4). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Graefe about the pivot and unpivot operators into the system of French because the combination would provided convenience way in access data in different formats

♦ As per claims 17, 29,

-   " The vertical table includes object identifications with corresponding attribute names and attribute values" See fig. 4 of Graefe.

    •   "Object identifications" corresponds to the "region"

    •   "Attribute names" corresponds to the "Year, spring, summer, fall, winter".

    •   "Attribute values" corresponds to "1997, 1996, and the amount of sale".

-   "The operator executes a left outer joint of a projection" See col. 7 line 34 – 50 of Graefe.

♦ As per claims 18 – 23, 30 – 35,

-   " Executing at least one table joint" See col. 7 line 34 – 50 of Graefe.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for

the organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

LN